

BK1003829  
KAE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT DAYTON

IN RE:

Case No. 06-32675

Thomas M. Trapp  
Jennifer C. Trapp

Chapter 13

Judge Humphrey

Debtors

**MOTION OF JPMORGAN CHASE  
BANK, N.A. SUCCESSOR BY  
MERGER TO BANK ONE, N.A. BY  
AND THROUGH CHASE HOME  
FINANCE LLC ITS SERVICER  
FOR RELIEF FROM STAY  
(PROPERTY ADDRESS: 2564  
ACORN DRIVE, DAYTON, OH  
45419)**

JPMorgan Chase Bank, N.A. successor by merger to Bank One, N.A. by and through Chase Home Finance LLC its servicer, (the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007, and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code. In support of this Motion, the Movant states:

**MEMORANDUM IN SUPPORT**

1 The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2 A copy of the Deed to the subject property is attached hereto as Exhibit "A". On September 27, 2003, the debtors listed above (collectively, the "Debtors") obtained a loan from Bank One, N.A. in the amount of \$76,135.00. Such loan was evidenced by a promissory note dated September 27, 2003 (the "Note"), a copy of which is attached as Exhibit "B".

3 To secure payment of the Note and performance of the other terms contained in it, the debtors executed a Mortgage dated September 27, 2003 (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the debtors, located at 2564 Acorn Drive, Dayton, OH 45419, and more fully described in the Security Agreement.

4 The lien created by the Security Agreement was duly perfected by the filing of the Security Agreement in the office of the Montgomery County Recorder on October 10, 2003. A copy of the Security Agreement is attached to this Motion as Exhibit "C". The lien is the First lien on the collateral.

5 The Note and Security Agreement were transferred as follows:

On July 16, 2004, an Agreement to Merge among Bank One, National Association and JPMorgan Chase Bank, National Association was filed in the State of New York, as evidenced by the said document attached to this Motion as Exhibit "D".

6 The value of the Collateral is \$88,310.00. This valuation is based on Montgomery County Auditor's Records.

7 As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$73,740.94, plus interest accruing thereon at the rate of 7.2% per annum (\$14.07 per day) from April 22, 2010.

8 Other parties who may have an interest in the Collateral are:

Chase Mortgage by virtue of a second mortgage upon which the amount due is approximately \$17,155.00.

Hugh Quill, Treasurer by virtue of real estate taxes due and owing on the property upon which the total amount due is approximately \$3,155.00.

9 Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reason(s):

Debtors have no equity in the Collateral and the Collateral is not needed by the debtors for their reorganization. Movant believes that the collateral has a value of \$88,310.00. Including the Movant's lien, there are liens in an aggregate amount of \$94,050.94 on the Collateral.

Debtors have failed to provide adequate protection for the lien held by the Movant for the reason set forth below.

Debtors have failed to make periodic payments to Movant since the commencement of this bankruptcy case, which unpaid payments are in the aggregate amount of \$2,584.50, consisting of the following:

Post-Petition Payments

Amount	Date Due
516.90	December 1, 2009
516.90	January 1, 2010
516.90	February 1, 2010
516.90	March 1, 2010
516.90	April 1, 2010

less debtor's suspense balance of \$0.00, as of April 22, 2010.

10 Pursuant to LBR 4001-1(a) Movant has completed the Exhibit and Worksheet attached as Exhibit "E".

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/ Erin A Jochim  
Erin A Jochim, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0077062  
Attorneys for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
(513) 241-3100 ext. 3920  
(513) 354-6464 fax  
sohbk@lsrlaw.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, JPMorgan Chase Bank, N.A. successor by merger to Bank One, N.A. by and through Chase Home Finance LLC its servicer, was electronically transmitted on April 21, 2010 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list.

Michael J Ellerbrock, Esq.  
4403 North Main Street  
Dayton, OH 45405  
mellerbrock.ecf@earthlink.net

Michael J. Ellerbrock, Esq.  
4403 North Main Street  
Dayton, OH 45405  
mellerbrock.ecf@earthlink.net

Jeffrey M. Kellner  
131 North Ludlow Street  
Suite 900  
Dayton, OH 45402-1161

ecfclerk@dayton13.com

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
ustpreion09.cb.ecf@usdoj.gov

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, JPMorgan Chase Bank, N.A. successor by merger to Bank One, N.A. by and through Chase Home Finance LLC its servicer, was transmitted on April 21, 2010 via regular U.S. mail, postage pre-paid:

Thomas M. Trapp  
2564 Acorn Drive  
Dayton, OH 45419

Jennifer C. Trapp  
2564 Acorn Drive  
Dayton, OH 45419

Chase Mortgage  
PO Box 24714  
Columbus, OH 43224

Hugh Quill, Treasurer  
451 W Third Street  
Dayton, OH 45422-0475

/s/ Erin A Jochim  
Erin A Jochim, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0077062  
Attorneys for Movant  
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IN RE:

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Judge Humphrey

Debtors

**NOTICE OF FILING OF MOTION  
OF JPMORGAN CHASE BANK,  
N.A. SUCCESSOR BY MERGER  
TO BANK ONE, N.A. BY AND  
THROUGH CHASE HOME  
FINANCE LLC ITS SERVICER  
FOR RELIEF FROM STAY AND  
NOTICE OF HEARING  
(PROPERTY ADDRESS: 2564  
ACORN DRIVE, DAYTON, OH  
45419)**

**OFFICIAL FORM 20A**

JPMorgan Chase Bank, N.A. successor by merger to Bank One, N.A. by and through Chase Home Finance LLC its servicer has filed papers with the Court to obtain relief from the automatic stay.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within 21 days from the date of this notice, you or your attorney must:

\* File with the Court a written request for a hearing, or if the court requires a written response, an answer, explaining your position at:

Clerk, US Bankruptcy Court

U.S Bankruptcy Court 120 West 3rd Street Old Post Office & Courthouse  
Dayton, OH 45402

If you mail your request or response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Chase Mortgage - Creditor  
PO Box 24714  
Columbus, OH 43224

Michael J. Ellerbrock, Esq. - Attorney for Debtors  
4403 North Main Street  
Dayton, OH 45405

Michael J Ellerbrock, Esq. - Attorney for Debtors  
4403 North Main Street  
Dayton, OH 45405

Hugh Quill, Treasurer - Creditor  
451 W Third Street  
Dayton, OH 45422-0475

Erin A Jochim, Esq. - Attorney for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480

Jeffrey M. Kellner - Trustee  
131 North Ludlow Street  
Suite 900  
Dayton, OH 45402-1161

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
Thomas M. Trapp - Debtor  
2564 Acorn Drive  
Dayton, OH 45419

Jennifer C. Trapp - Debtor  
2564 Acorn Drive  
Dayton, OH 45419

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: April 21, 2010

/s/ Erin A Jochim  
Erin A Jochim, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0077062  
Attorneys for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
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